

Appl. No. : 10/713,244
Filed : November 13, 2003

REMARKS

In response to the Office Communication and restriction requirement of June 9, 2006, Applicants elect without traverse Group I claims 1-9, 11-14, and 16-22, drawn to a method of fabricating an implantable medical device.

The restriction requirement included a species election between 1) porous layer comprising gold and 2) porous layer comprising stainless steel. However, as noted in Applicants' amendment and response to restriction requirement filed on April 4, 2006 in response to the first restriction requirement mailed on March 6, 2006, the Applicants submitted claim amendments that made pending claims of Invention Group I either generic or directed to a porous layer comprising cobalt-chromium. Applicants believe the prior submitted claim amendments rendered the species election moot, or at least provides a third species of a porous layer comprising cobalt-chromium, which Applicants elect and which are readable by Claims 1-9, 11-14 and 16-22.

Although Examiner has not indicated that the prior claim amendments were not entered, if they were not, Applicants elect without traverse the species directed to a porous layer comprising stainless steel, which is readable by Claims 1-2, 4-9, 11-14, and 16-22 in Group I.

Amended and Canceled Claims

Applicants have canceled non-elected Claims 23-29 and 31-35 and 37-41 without prejudice, and Applicants may pursue the same or similar claims in this or related patent applications.

Conclusions

Following entry of the foregoing amendments, Claim 1 through 9, 11 through 14, and 16 through 22 remain pending in the present application. All of the claims currently pending in the present application are believed to be allowable over the prior art, and such action is earnestly solicited. If, however, any matters remain which could be resolved by Examiner's Amendment, the Examiner is cordially invited to contact the undersigned by telephone so that any such matters can be promptly resolved.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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